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SUBJECT: ELECTORAL REFORM NOT ON THE HORIZON

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[1](#)B. 06 KUALA LUMPUR 1948

Classified By: Political Section Chief Mark D. Clark for reasons 1.4 (b) and (d).

Summary

[1](#)1. (C) As Malaysia moves closer to its next national elections, electoral reform faces a very steep uphill battle, a conclusion highlighted during our recent meetings with Election Commission (EC) officials, NGO leaders and several academics. The UMNO-led Barisan Nasional (BN) governing coalition retains tight control over virtually all important levers of power, including the EC. Two electoral reform groups formed since the last general election in 2004 - MAFREL and BERSIH - recognize that grass roots engagement of the public will be necessary to effect meaningful changes to an electoral system heavily tilted in the BN's favor. Both groups intend to highlight electoral challenges and push for adoption of electoral reforms in many critical areas such as: election-day use of indelible ink on voters; Election Act changes to ensure balanced media access and limitations on political party spending; and empowerment of the EC to develop and enforce stricter campaigning and election-day rules and regulations. Their best efforts will almost certainly not produce meaningful reforms to the electoral system over at least the medium term. UMNO, in power since independence, faces no effective public, opposition party or internal pressure to reduce its overwhelming powers of incumbency. End Summary.

Election Commission - Technocrats, Not Reformers

[1](#)2. (SBU) The Malaysian Election Commission's (EC) Secretary General, Kamaruzaman bin Mohd Noor, and nine of his subordinates briefed poloffs on March 6 about the EC's operating structure and current activities. Kamaruzaman emphasized that the EC falls under the purview and authority of the Prime Minister's office. He said all changes to electoral rules, regulations and policies suggested by the EC's seven commissioners must therefore be submitted to the PM's office for approval. In describing the role of EC commissioners, led by EC Chairman Abdul Rashid Abdul Rahman, Kamaruzaman said they "are not in a position to enact reforms." He further stated that the EC "does not have the power to investigate election day abuses." He said allegations of fraud or election tampering are referred by the EC to either the police or the GOM's Anti-Corruption Agency for investigation. (Bio Note: Kamaruzaman obtained his undergraduate and graduate degrees from Penn State University. He spoke very warmly of his years in America during the 1980s. End Bio Note.)

[1](#)3. (C) Kamaruzaman's statements about the feebleness of EC powers were reflected in a series of comments to reporters during early 2007 by EC Chairman Rashid. On January 8, in

public comments characterized by Kamaruzaman as "utopian," Rashid said the election laws of Malaysia could no longer ensure justice for opposition political parties. Rashid said election laws should be amended to give the EC power to ensure free and fair media reporting, prosecute persons who misuse public funds during their campaigns, institute and enforce limits on political party spending, and prevent corrupt practices such as vote buying during elections. Rashid later backpedaled from these comments while emphasizing the UMNO party line that the EC cannot initiate electoral reforms under its own authority.

14. (C) Opposition figures, including Anwar Ibrahim, told us they welcomed Rashid's short-lived calls for reform, but did not expect them to go anywhere. Some viewed Rashid's remarks as a way for him to maintain personal credibility, though he knew the government would not take up his recommendations.

15. (SBU) During the five decades of UMNO's rule, opposition parties have routinely criticized EC commissioners as beholden to UMNO. All EC commissioners, including the Chairman, are appointed by the King based on the advice of the PM. They may not be removed from office prior to age 65, except on similar grounds and in a similar manner as pertains to the removal of a justice from the Federal Court (Malaysia's apex court).

16. (C) Under heavy influence from UMNO, the EC has used its power under the constitution to gerrymander voter districts every eight years in BN-controlled states. In addition, UMNO keeps election campaign cycles very short (8 days for the last general election in 2004). Opposition parties are effectively precluded from access to mainstream media outlets during campaign days, while advertisements and positive stories about BN candidates and parties flood the newspapers and airwaves. And while individual candidates for state assemblies and the federal parliament may not spend more than \$28,500 (RM100,000) and \$57,000 (RM200,000) on their respective campaigns, their political party machines may legally spend unlimited amounts of money on any individual race. Therefore, the wealth imbalance between the BN and opposition parties also contributes heavily toward the BN's election dominance. The EC currently has no legal means to challenge any of these practices were it so inclined.

MAFREL Educates with U.S. Funding

17. (C) On February 13 the President of Malaysians for Free and Fair Elections (MAFREL), Abd Malek Hussin, described MAFREL's electoral reform efforts to us. MAFREL is not affiliated with any political party and is 100% funded by the USG through the International Republican Institute (IRI). Hussin said MAFREL's primary goals are educating the public about the election process and reporting on election corruption and electoral abuses, in an effort to "narrow the ability of the BN to engage in obviously fraudulent election practices." He said, "We want to prod (UMNO) toward reform and, if necessary, embarrass them into taking action to improve the fairness and honesty of elections."

18. (C) Building upon MAFREL's successful monitoring of the Sarawak state assembly election on May 20, 2006 (ref A), Hussin has established a personal relationship with EC Chairman Rashid. Hussin visited Rashid's home on October 25 and spoke privately with him for three hours about electoral issues. According to Hussin, Rashid said MAFREL "is in danger of being viewed as a US puppet" and must diversify its funding away from the IRI. Hussin was initially reluctant to meet with us in public; we ultimately met him at a small suburban restaurant. To demonstrate the extent of their personal relationship, Hussin showed us an SMS from Rashid inviting Hussin to join an EC fact-finding trip to South Africa to examine their electoral process. Hussin has not yet accepted the invitation. He is concerned that MAFREL's image as an independent actor could be tarnished.

19. (C) During their discussion, Hussin claimed Rashid

admitted his direct involvement in UMNO's shadowy 1990s push to assume political control of the East Malaysia state of Sabah. During that decade, UMNO granted citizenship and Malaysian Identity Cards (ICs) to over 600,000 foreign migrant workers (predominantly Muslims from Indonesia and Mindanao) in Sabah, in exchange for their votes in state assembly elections (ref B). UMNO-affiliated parties subsequently took over all of Sabah's state assembly seats. According to Hussin, Rashid "admitted to personally issuing over 60,000 fraudulent Malaysian ICs in Sabah," to help UMNO assume political control there.

¶10. (C) Hussin told us Rashid characterized his Deputy EC Chairman, Wan Omar, as "an UMNO member who is anti-reform." Rashid said he wishes to remain as Chairman of the EC until "the number two is gone" and Rashid can pass the EC leadership mantle to the EC's Secretary General Kamaruzaman.

BERSIH's Long and Winding Road Ahead

¶11. (C) While MAFREL has attempted to maintain a non-partisan stance during its push for electoral reform, the Coalition for Clean and Fair Elections (Malay acronym: BERSIH, meaning "clean") represents the interests of Malaysia's largest opposition parties, namely the Islamic Party of Malaysia (PAS), the Democratic Action Party (DAP) and the People's Justice Party (PKR). These three parties formed BERSIH in 2006 and BERSIH has since gained the endorsement of over 50 civil society NGOs. The National Democratic Institute (NDI) indirectly provided BERSIH with a \$40,000 grant to be expended during February-May 2007 on regional meetings, leaflets and development of BERSIH's website (www.bersih.org).

¶12. (C) BERSIH's spokesman and steering committee member, Sivarasa Rasiah, told us on February 23 that BERSIH intends to pursue three main goals: use of indelible ink on the fingers of all election-day voters, clean-up of the electoral rolls, and abolishment of postal votes except for diplomats and other overseas voters. Both the PM's office and the EC have already rejected the use of indelible ink as "primitive and unnecessary," but BERSIH has challenged the EC to either adopt the system or provide an alternative that would prevent individuals from casting multiple votes.

¶13. (C) Sivarasa independently confirmed EC Chairman Rashid's statements to MAFREL's Hussin about EC succession planning. Sivarasa told us Omar "would be a disaster for the opposition parties." Like Rashid, BERSIH would prefer Kamaruzaman to take the EC Chairmanship, following Rashid's retirement. Sivarasa commented that UMNO will likely keep Rashid as EC Chairman "at least until the next general election, as he lends a veneer of legitimacy to the election process." Rashid has thus far rebuffed BERSIH's requests for a meeting. Kamaruzaman told us he would meet with BERSIH if the meeting remained limited to discussing the EC's implementation of existing laws and regulations.

¶14. (C) BERSIH intends to inaugurate its grass-roots electoral reform initiative in April 2007 at a large rally in Kuala Lumpur. Anwar Ibrahim is expected to be the keynote speaker. As with other large events organized by opposition parties and NGOs here, the rally will be held in a hotel ballroom, as a police permit for an open-air public rally of this sort would almost certainly be denied. BERSIH is currently registered as a corporation, as the GOM's Registrar of Societies rejected its application for recognition as an NGO.

Comment

¶15. (C) UMNO and its coalition partners have held power since Malaysia's independence in 1957. Only the ruling parties of North Korea, China and Paraguay have outlasted UMNO's 50-year tenure. Malaysia's controlled style of democracy is not too dissimilar from other Asian countries which have or had

dominant one-party or coalition governments. UMNO party leaders acknowledge that reform will eventually be necessary to appease the voting public, but for now UMNO enjoys sufficiently wide support from its Malay base. Race-based politics ensures for the foreseeable future that the majority Malays will continue to support UMNO initiatives and leadership. Nevertheless, as education levels of the country rise, reform will gain an ever louder voice. Some young UMNO politicians see reform coming, but freely admit that power is never easily surrendered. Current laws restrict media freedom, free association, political activities on campuses, public assemblies, and transparency in government procurement contracts and policy-making. The government effectively employs its security services, particularly the police, for political ends. These factors, when coupled with the executive branch's control over the EC, will ensure UMNO's continued dominance over the political scene.

¶16. (C) PM Abdullah's promises to develop transparent and accountable political institutions do not extend to electoral reforms that could weaken UMNO's power base. As Abdullah approaches the end of his first term, Malaysian politics remain more about autocratic continuity than change. Abdullah has exercised more restraint than his predecessor, Mahathir, in using the restrictive governmental controls at his disposal. Opposition leaders admit there is more democratic space under Abdullah, but they attribute this to Abdullah's weak leadership rather than his efforts to institute real reforms. Nevertheless, we believe neither Abdullah nor his party would hesitate to invoke the strict autocratic measures at their disposal, if seriously challenged.

¶17. (C) A strong challenge to UMNO's dominance seems unlikely to materialize any time soon. The primary Malay-based opposition party, PAS, cannot create an effective coalition with non-Malays due to PAS' Islamist agenda. Other opposition parties suffer from a paucity of capable and charismatic leaders - with the possible exception of Anwar Ibrahim - who could mobilize enough public support for meaningful changes to the electoral system. Moreover, the opposition generally cannot access the mainstream media to effectively get its message across. Absent a major crisis, pressure for changes to the system would need to come from within UMNO, and we have yet to see any indication factions within the ruling party support a reduction in their overwhelming powers of incumbency.

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